

House File 2789 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2689)
(SUCCESSOR TO HSB 749)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to assessing court costs, providing for indigent
2 defense, and making appropriations to the judicial branch and
3 department of inspections and appeals.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5 HF 2789

6 jm/es/25

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1 1 Section 1. Section 602.1304, subsection 2, paragraph b,
1 2 Code Supplement 2005, is amended to read as follows:
1 3 b. For each fiscal year, a judicial collection estimate
1 4 for that fiscal year shall be equally and proportionally
1 5 divided into a quarterly amount. The judicial collection
1 6 estimate shall be calculated by using the state revenue
1 7 estimating conference estimate made by December 15 pursuant to
1 8 section 8.22A, subsection 3, of the total amount of fines,
1 9 fees, civil penalties, costs, surcharges, and other revenues
1 10 collected by judicial officers and court employees for deposit
1 11 into the general fund of the state. The revenue estimating
1 12 conference estimate shall be reduced by the maximum amounts
1 13 allocated to the Iowa prison infrastructure fund pursuant to
1 14 section 602.8108A, the court technology and modernization fund
1 15 pursuant to section 602.8108, subsection 7, the judicial
1 16 branch pursuant to section 602.8108, subsection 8, the
1 17 department of inspections and appeals pursuant to section
1 18 602.8108, subsection 8A, and the road use tax fund pursuant to
1 19 section 602.8108, subsection 9, and the remainder shall be the
1 20 judicial collection estimate. In each quarter of a fiscal
1 21 year, after revenues collected by judicial officers and court
1 22 employees equal to that quarterly amount are deposited into
1 23 the general fund of the state, after the required amount is
1 24 deposited during the quarter into the Iowa prison
1 25 infrastructure fund pursuant to section 602.8108A and into the
1 26 court technology and modernization fund pursuant to section
1 27 602.8108, subsection 7, ~~and~~ after the required amount is
1 28 allocated to the judicial branch pursuant to section 602.8108,
1 29 subsection 8, ~~and after the required amount is allocated to~~
1 30 ~~the department of inspections and appeals pursuant to section~~
1 31 ~~602.8108, subsection 8A,~~ the director of the department of
1 32 administrative services shall deposit the remaining revenues
1 33 for that quarter into the enhanced court collections fund in
1 34 lieu of the general fund. However, after total deposits into
1 35 the collections fund for the fiscal year are equal to the
2 1 maximum deposit amount established for the collections fund,
2 2 remaining revenues for that fiscal year shall be deposited
2 3 into the general fund. If the revenue estimating conference
2 4 agrees to a different estimate at a later meeting which
2 5 projects a lesser amount of revenue than the initial estimate
2 6 amount used to calculate the judicial collection estimate, the
2 7 director of the department of administrative services shall
2 8 recalculate the judicial collection estimate accordingly. If
2 9 the revenue estimating conference agrees to a different
2 10 estimate at a later meeting which projects a greater amount of
2 11 revenue than the initial estimate amount used to calculate the
2 12 judicial collection estimate, the director of the department
2 13 of administrative services shall recalculate the judicial
2 14 collection estimate accordingly but only to the extent that
2 15 the greater amount is due to an increase in the fines, fees,
2 16 civil penalties, costs, surcharges, or other revenues allowed

2 17 by law to be collected by judicial officers and court
2 18 employees.

2 19 Sec. 2. Section 602.8106, subsection 1, paragraphs a, b,
2 20 d, and e, Code Supplement 2005, are amended to read as
2 21 follows:

2 22 a. Except as otherwise provided in paragraphs "b" and "c",
2 23 for filing and docketing a criminal case to be paid by the
2 24 county or city which has the duty to prosecute the criminal
2 25 action, payable as provided in section 602.8109, ~~thirty one~~
2 26 ~~hundred~~ dollars. When judgment is rendered against the
2 27 defendant, costs collected from the defendant shall be paid to
2 28 the county or city which has the duty to prosecute the
2 29 criminal action to the extent necessary for reimbursement for
2 30 fees paid. However, the fees which are payable by the county
2 31 to the clerk of the district court for services rendered in
2 32 criminal actions prosecuted under state law and the court
2 33 costs taxed in connection with the trial of those actions or
2 34 appeals from the judgments in those actions are waived.

2 35 b. For filing and docketing of a complaint or information
3 1 for a simple misdemeanor and a complaint or information for a
3 2 nonscheduled simple misdemeanor under chapter 321, ~~thirty~~
3 3 ~~fifty~~ dollars.

3 4 d. The court costs in scheduled violation cases where a
3 5 court appearance is required, ~~thirty fifty~~ dollars.

3 6 e. For court costs in scheduled violation cases where a
3 7 court appearance is not required, ~~thirty fifty~~ dollars.

3 8 Sec. 3. Section 602.8108, subsection 2, Code Supplement
3 9 2005, is amended to read as follows:

3 10 2. Except as otherwise provided, the clerk of the district
3 11 court shall report and submit to the state court
3 12 administrator, not later than the fifteenth day of each month,
3 13 the fines and fees received during the preceding calendar
3 14 month. Except as provided in subsections 3, 4, 5, 7, 8, ~~8A,~~
3 15 and 9, the state court administrator shall deposit the amounts
3 16 received with the treasurer of state for deposit in the
3 17 general fund of the state. The state court administrator
3 18 shall report to the legislative services agency within thirty
3 19 days of the beginning of each fiscal quarter the amount
3 20 received during the previous quarter in the account
3 21 established under this section.

3 22 Sec. 4. Section 602.8108, subsection 8, Code Supplement
3 23 2005, is amended to read as follows:

3 24 8. The state court administrator shall allocate to the
3 25 judicial branch for the fiscal year beginning July 1, ~~2005-~~
3 26 ~~2006,~~ and for each fiscal year thereafter, ~~seven thirteen~~
3 27 million dollars of the moneys received annually under
3 28 subsection 2, to be used for salaries of supreme court
3 29 justices, appellate court judges, district court judges,
3 30 district associate judges, judicial magistrates and staff,
3 31 state court administrator, clerk of the supreme court,
3 32 district court administrators, clerks of the district court,
3 33 juvenile court officers, board of law examiners and board of
3 34 examiners of shorthand reporters and judicial qualifications
3 35 commission, receipt and disbursement of child support
4 1 payments, reimbursement of the auditor of state for expenses
4 2 incurred in completing audits of the offices of the clerks of
4 3 the district court during the fiscal year, and maintenance,
4 4 equipment, and miscellaneous purposes.

4 5 Sec. 5. Section 602.8108, Code Supplement 2005, is amended
4 6 by adding the following new subsection:

4 7 NEW SUBSECTION. 8A. The state court administrator shall
4 8 allocate to the office of the state public defender of the
4 9 department of inspections and appeals for the fiscal year
4 10 beginning July 1, 2006, and for each fiscal year thereafter,
4 11 two million eight hundred thousand dollars of the moneys
4 12 received annually under subsection 2, to be used for fees of
4 13 court-appointed attorneys for indigent adults and juveniles,
4 14 in accordance with section 232.141 and chapter 815.

4 15 Sec. 6. Section 815.7, Code 2005, is amended to read as
4 16 follows:

4 17 815.7 FEES TO ATTORNEYS.

4 18 An attorney who has not entered into a contract authorized
4 19 under section 13B.4 and who is appointed by the court to
4 20 represent any person ~~charged with a crime in this state,~~
~~4 21 seeking postconviction relief, against whom a contempt action~~
~~4 22 is pending, appealing a criminal conviction, appealing a~~
~~4 23 denial of postconviction relief, or subject to a proceeding~~
~~4 24 under section 811.1A or chapter 229A or 812, or to serve as~~
~~4 25 counsel for any person or guardian ad litem for any child in~~
~~4 26 juvenile court, pursuant to section 814.11 or 815.10 shall be~~
4 27 entitled to reasonable compensation and expenses. For

4 28 appointments made on or after July 1, 1999, through June 30,
4 29 2006, the reasonable compensation shall be calculated on the
4 30 basis of sixty dollars per hour for class "A" felonies, fifty=
4 31 five dollars per hour for class "B" felonies, and fifty
4 32 dollars per hour for all other cases. For appointments made
4 33 on or after July 1, 2006, the reasonable compensation shall be
4 34 calculated on the basis of sixty-five dollars per hour for
4 35 class "A" felonies, sixty dollars per hour for class "B"
5 1 felonies, and fifty-five dollars per hour for all other cases.
5 2 The expenses shall include any sums as are necessary for
5 3 investigations in the interest of justice, and the cost of
5 4 obtaining the transcript of the trial record and briefs if an
5 5 appeal is filed. The attorney need not follow the case into
5 6 another county or into the appellate court unless so directed
5 7 by the court. If the attorney follows the case into another
5 8 county or into the appellate court, the attorney shall be
5 9 entitled to compensation as provided in this section. Only
5 10 one attorney fee shall be so awarded in any one case except
5 11 that in class "A" felony cases, two may be authorized.
5 12 HF 2789
5 13 jm:nh/es/25